



**CABINET FOR HEALTH AND FAMILY SERVICES  
DEPARTMENT FOR MEDICAID SERVICES**

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**Public Notice  
Public Comment Period for 1915(c) Home and Community Based Services (HCBS)  
Waivers  
Updated December 5, 2019**

The Cabinet for Health and Family Services (CHFS) Department for Medicaid Services (DMS) is notifying the public of an extension of the formal public comment period for amendments to portions of the 1915(c) HCBS waiver applications. DMS revised three (3) appendices in each of the six (6) 1915(c) HCBS waivers listed below:

- Acquired Brain Injury (ABI)
- Acquired Brain Injury Long Term Care (ABI LTC)
- Home and Community Based (HCB)
- Model II Waiver (MIIW)
- Michelle P. Waiver (MPW)
- Supports for Community Living (SCL)

On October 30, 2019, DMS announced this formal public comment period would begin on Friday, November 8, 2019 and last until 11:59 p.m. Eastern on Monday, December 9, 2019. Due to a delay in the release of the amended waiver applications, **the formal public comment period that began on November 8, 2019 will be extended until 11:59 p.m. Eastern on Tuesday, December 10, 2019.** This formal public comment period is being held in accordance with 42 CFR 441.304(f), in which the Centers for Medicare and Medicaid Services (CMS) requires states to engage their stakeholders before submitting substantive waiver changes to CMS for approval.

**This formal public comment period only applies to the following appendices of the 1915(c) HCBS waiver applications:**

- **Appendix C: Participant Services**
- **Appendix I: Financial Accountability**
- **Appendix J: Cost Neutrality Demonstration**

These appendices have been amended based on the results of the 1915(c) HCBS Rate Study conducted between November 2018 and September 2019.

Stakeholders can review the proposed rate updates for waiver services by viewing the 1915(c) HCBS Rate Study webinar currently posted to the DMS Division of Community Alternatives (DCA) website (<https://chfs.ky.gov/agencies/dms/dca/Pages/default.aspx>). DMS also released the following resources:

- The amended appendices of the 1915(c) HCBS waiver applications
- A summary of updates to each waiver
- A recorded presentation highlighting the amendments

DMS accepted formal public comment on all other appendices from March 15 to April 15, 2019. DMS is submitting amendments to the 1915(c) HCBS waiver applications based on those comments to CMS for final approval. You can review the DMS response to the public comments received between March 15 and April 15, 2019, at <https://chfs.ky.gov/agencies/dms/dca/Documents/dmsofficialpubliccommentresponse.pdf>.

### How to Make a Public Comment

To submit an official public comment during the formal public comment period, please use one of the following methods of submission:

1. **Email:** Please submit comments by email to [MedicaidPublicComment@ky.gov](mailto:MedicaidPublicComment@ky.gov)
2. **Phone:** Please contact Jacklyn Butler at (502) 564-7540. She will record your comments and provide them for review.
3. **Mail:** Department for Medicaid Services  
275 E. Main St., 6W-B  
Frankfort, KY 40621

For the formal public comment period, please provide the following information with your submission.

1. Contact Information
  - If you are **commenting as an individual**, please submit contact information.
  - If you are **commenting on behalf of a provider**, please include the provider name and your contact information.
  - If you are **commenting on behalf of an organization or association**, include the organization's name and your contact information.
2. Waiver
  - Please indicate which waiver(s) you are commenting on.
3. Comment
  - You may submit general comments or comments on a specific waiver. Please be clear about the areas you are commenting on. **Please, do not include personal health information in your comments. Your comments may be shared publicly.**

**What Happens After I Make A Public Comment?**

DMS will review and publicly respond to comments received between November 8, 2019, and December 10, 2019, as part of the process of having the amendments to the 1915(c) HCBS waiver applications approved by CMS.

DMS is dedicated to recognizing and considering stakeholder input at any time. It is important to note that DMS is continuously accepting comments about the waiver redesign process. Comments submitted before November 8, 2019, and after December 10, 2019, are addressed through either a regularly updated Frequently Asked Questions (FAQs) document or DMS staff interaction.

You can request this document or the amended waiver applications in paper form by contacting Jacklyn Butler at the phone number listed above.

Copies of this public notice are also available at each county's Department for Community Based Services (DCBS) office. For the address of your county's DCBS office, please see [http://prdweb.chfs.ky.gov/Office\\_Phone/index.aspx](http://prdweb.chfs.ky.gov/Office_Phone/index.aspx).